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SUBJECT: COLOMBIA MAKES MAJOR ADVANCES ON HUMAN RIGHTS IN
2007

Summary

1. In 2007, Colombia made significant progress in implementing the Justice and Peace Law (JPL), exposing and punishing politicians tied to paramilitaries, and resolving longstanding human rights cases. Twenty-five paramilitary leaders remained in jail. JPL testimony helped clarify 3000 crimes, including 700 homicides, and revealed the location of 1009 mass graves containing 1196 victims. The Supreme Court and Prosecutor General's office (Fiscalia)--in many cases due to JPL testimony--linked 52 legislators, 19 governors and 11 mayors to the paramilitaries. Four have been convicted and 30 are in jail. The Fiscalia obtained verdicts in several key human rights cases, including the 2004 murder of three unionists in Arauca and the Santo Domingo bombing case. Challenges remain--including obtaining the first JPL guilty pleas, investigating military and business ties to the paramilitaries, and making reparations to victims--but the GOC's infusion of new resources to the Fiscalia should ensure further advances in 2008. End Summary.

Achievements in Justice and Peace Law, Para Political Scandal

2. In 2007, the JPL process led to important advances in exposing paramilitary crimes and holding their leaders accountable. 25 key paramilitary leaders, including Salvador Mancuso, Carlos Jimenez ("Macaco"), Rodrigo Tovar Pupo ("Jorge 40"), and Diego Murillo ("Don Berna")--remained in jail. Over 1000 former paramilitaries gave voluntary confessions (versiones libres), shedding light on over 3000 crimes including 700 homicides. JPL testimony also led to the exhumation of 1196 human remains from 1009 mass graves. The Supreme Court and the Fiscalia--exploiting the improved security created by the paramilitary demobilization as well as JPL evidence--have implicated 52 congressmen, 19 mayors, and eleven governors so far in the parapolitical scandal. Congressman Erik Morris of Sucre became the first sitting Congressman to be convicted and sentenced on December 19, receiving a six year sentence and a \$480,000 fine. Four other politicians have also been convicted, and thirty others are in preventive detention.

13. The Fiscalía's Justice and Peace Unit has also referred information derived from JPL confessions to other Fiscalía units, leading to the investigation of businessmen and military with alleged paramilitary ties. On December 7, the Fiscalía announced that it is investigating four banana companies (Proban, Uniban, Sunisa-Del Monte and Chiquita International), and issued an arrest warrant for banana businessman Raul Hasbun. The Fiscalía is taking legal action against African palm oil firms accused of working with paramilitaries to usurp land from Afro-Colombians in Uraba, and continues to investigate ranchers accused of collaborating with paramilitaries in Sucre department. Lastly, the Fiscalía is reviewing JPL testimony by former paramilitaries Ever Veloza and Salvador Mancuso implicating retired Army General Rito Alejo del Rio and other officers in the Mapiripan massacre and other paramilitary atrocities.

Increased Protection for JPL Victims

14. The GOC also acted to better protect the almost 90,000 victims who have denounced paramilitary crimes or sought redress under the JPL process. Decree 3570, issued by the Ministry of Interior and Justice (MOIJ) on September 18, created an integrated protection program involving the Colombian National Police (CNP), the MOIJ's protection program, and Fiscalía's Witness Protection Program. Under the decree, the CNP will serve as the first responder to threats; the MOIJ program will protect victims' advocates or other vulnerable individuals; and the Fiscalía will provide security for witnesses. CNP Commander General Naranjo told us the CNP received over \$8.5 million in additional funding to protect 36 municipalities with a large number of at-risk

victims. The CNP will provide perimeter security, conduct community liaison with local residents, and identify threats. USG funding for FY 2008 will enable us to work with the Fiscalía to strengthen its Witness Protection Program.

Prosecuting Labor Violence Cases

15. The Fiscalía has resolved 59 cases of violence against labor union members, resulting in the sentencing of 126 individuals, since 2001. Eleven of the cases, leading to 20 convictions, were prosecuted by the special sub-unit set up by the Fiscalía in September 2006 to investigate and prosecute labor crimes. The courts found the victim's union membership was the motive in only nine, or 15 percent, of the cases. Most cases involved theft or domestic disputes. In August, a Bogota court sentenced four Colombian soldiers to 40 years each for murdering three union leaders in Saravena (Arauca department) in August 2004. In 2007, the MOIJ's \$34 million Protection Program helped protect more than 6,900 human rights activists, journalists, politicians, and other threatened individuals, including 1,720 unionists. This program will continue in 2008.

Human Rights Convictions and Investigations

16. In 2007, the Fiscalía and Supreme Court obtained convictions in several key human rights cases awaiting judgment, some for several years. In October, two pilots and a technician were sentenced to six years under house arrest on manslaughter charges stemming from the accidental bombing of a community in Tame (Arauca), which killed 17 people during a 1998 operation against the FARC. In September, the Supreme Court sentenced an officer to 40 years for the crime of omission in the La Gabarra massacre of 1999. The Fiscalía also obtained the conviction of four soldiers for the murder of Jose Valencia Morales in Marinilla (Antioquia department) in 2004 on September 18. On November 22, the Fiscalía ordered the detention of Army Captain Guillermo Gordillo for his alleged participation in the massacre of eight civilians

near San Jose de Apartado in February 2005.

¶7. The Fiscalía and Inspector General's Office (Procuraduría) also stepped up investigations of extrajudicial killings committed by security forces. In November, the Fiscalía set up a special sub-unit within its Human Rights Unit to investigate extrajudicial killings. The Human Rights Fiscalía also sent special prosecutorial teams to Medellín and Villavicencio to assist in on-going extrajudicial killing investigations, as well as to identify new cases. The Medellín commission has identified 160 alleged killings in Antioquia and 34 in Córdoba. The Fiscalía also improved communications with the Military Criminal Justice system, leading to the transfer of 572 alleged human rights cases--including 155 extrajudicial killings--from the military to civilian courts. The Procuraduría also opened separate, disciplinary investigations of 706 alleged extrajudicial killings, with almost 1100 victims, that occurred between March 2002 and August 31, 2007. The investigations involve 648 Army personnel, 40 police, and 18 marines.

¶8. In addition, after a year long trial, the "Jamundi" case is coming to a conclusion. This case involves the accusation that six military personnel murdered a Colombian civilian and ten members of an elite Colombian National Police narcotics unit in the process of executing a search warrant. Closing arguments are being presented and a verdict is expected by the end of January.

2008 Forecast: More Resources to Counter Challenges

¶9. The GOC recognizes the Fiscalía will need additional resources to obtain the first JPL sentences, deepen its investigations of paramilitary links to military and economic interests, and continue to prosecute major human rights cases. The GOC's 2008 budget provides a \$40 million increase for the Fiscalía's Justice and Peace and Human Rights Units, and Uribe will also soon sign a decree creating over 1000 new positions in the Fiscalía. The new positions include 175 prosecutors, 200 criminal investigators and numerous administrative assistants. and will also focus on the these units. The Fiscalía will attempt to expedite filling of these positions through internal hiring.

¶10. The GOC also understands that while the investigative phase of the JPL process is advancing, the inherent slowness of the judicial process has delayed the payment of reparations to the victims of paramilitaries. To date, few victims have received compensation beyond token, collective reparations. Hence, the GOC announced in November that it is considering a proposal by the National Commission of Reparations and Reconciliation (CNRR) to change the reparations process from the current judicial process to an administrative process. The administrative processing of victims would include a mix of symbolic and monetary reparations. The GOC has already begun an interagency consultative process on the CNRR proposal, and hopes to devise a new program by mid-year.

Brownfield